

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL ANTHONY GUZMAN,

Petitioner,

vs.

Civ. No. 97-1527 JC/WWD

JOE WILLIAMS, WARDEN, et al.,

Respondents.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon an opposed Motion for Continuance of Evidentiary Hearing filed October 25, 2001. The hearing in question is scheduled for October 26, 2001. Petitioner's counsel indicates that he is unable to adequately prepare for the hearing because of "a trial schedule". Marc H. Robert, Esq., has been counsel for Petitioner since July of 1999. I am not persuaded that he has not had adequate time to prepare for the hearing. Additionally, the hearing has been postponed previously at the request of Petitioner's counsel. Another reason for seeking a continuance is the possible calling of the Honorable Michael Vigil as a witness in the case. Apparently Judge Vigil, who has not previously been identified by Petitioner as a witness, is not available on October 26, 2001. I will allow Petitioner to supplement the record of the hearing by filing Judge Vigil's deposition, if the deposition were to be taken, on or before November 23, 2001. The Motion for Continuance of Evidentiary Hearing is DENIED.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE